

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

CORNELIUS MOORE, )  
                          )  
Plaintiff,            )                   4:04cv252  
                          )  
vs.                    )                   MEMORANDUM AND ORDER  
                          )  
DR. JACKSON J. BENCE, et al., )  
                          )  
Defendants.            )

This matter is before the court on the following pending motions: (1) filing no. 28, the Motion for Reinstatement of this Case filed by the plaintiff, Cornelius Moore; (2) filing no. 29, the plaintiff's Motion for Leave to Proceed In Forma Pauperis; (3) filing no. 32, the plaintiff's Motion for Appointment of Counsel; and (4) filing no. 33, the plaintiff's Motion for Leave to Amend. This case was dismissed on October 18, 2004, without prejudice. Thus, the plaintiff had a right to reassert his claims in a new case, but he has no right to reopen or reinstate a closed case. If the court reopened closed cases upon request, litigants in federal court could never count on the finality of final judgments. Filing nos. 28, 29, 32 and 33 are denied.

SO ORDERED.

November 2, 2006.

BY THE COURT:

s/ *Richard G. Kopf*  
United States District Judge